

Honorable Benjamin H. Settle

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

NATHEN BARTON,

Plaintiff

v.

SERVE ALL, HELP ALL., INC.; and
JOHN DOE 1-10,

Defendants.

CASE NO. 3:21-cv-05338

DECLARATION OF NATHEN
BARTON IN SUPPORT OF
MOTION TO DEEM ADMTTED

My name is Nathen Barton and I live at 4618 NW 11th Cir, Camas WA 98607. I am over the age of eighteen, and otherwise competent to be a witness in this matter. Except as expressly set forth herein, I make this declaration in my personal capacity and based on my personal knowledge.

1. On May 7, 2021, I did file an action captioned Nathen Barton v. Serve All, Help All, Inc.. et al, in the United States District Court, Western District of Washington with cause number 3:21-cv-05338-BHS.
2. Defense Counsel Donna Gibson appeared for defendant Serve All, Help All, Inc., on June 30, 2021, and directed all parties to "Please send all further notices, pleadings,

except for original process to Donna Gibson, Law Office of Donna Beasley Givson,
1204 Cleveland Ave., Mount Vernon, WA 98273”

3. The 26(f) conference for this case was scheduled and took place on July 23, 2021.
4. During that 26(f) conference, I brought up the subject of email of motions and documents and discovery by email instead of regular mail, and both parties agreed.
5. I told Donna Gibson that I had already printed up and put for mailing three discovery documents, but in the future I would email as we agreed.
6. On that day, July 23, 2021, I mailed “PLAINTIFF’S FIRST REQUEST FOR ADMISSION” (“Admissions”) to that address via USPS first class mail with tracking number 9400111108296531530656.
7. The United States Post Office reports delivery of the package on July 26, 2021.
8. The morning of August 30, 2021, I had not received answers to the Admissions, nor received objections or any response whatsoever.
9. Late morning on August 30, 2021, I called Donna Gibson to inquire about the Admissions and the other discovery documents sent on July 30, 2021.
10. I reached Donna Gibson and she professed to never have received the package.
11. I reviewed the shipping address and tracking information, and do believe the discovery request was property mailed, and delivered by the post office.
12. I believe the ‘missing’ package is an attempt to take advantage of a pro-se plaintiff.
13. The attached Exhibit A is a true and accurate copy of USPS tracking results¹ for the package I sent Donna Gibson on July 23, 2021, with tracking number [9400111108296531530656](https://tools.usps.com/go/TrackConfirmAction?tqc_tLabels1=9400111108296531530656).

¹ See https://tools.usps.com/go/TrackConfirmAction?tqc_tLabels1=9400111108296531530656

14. The proper postage was paid to ship the package, and proof of the paid postage was affixed to the package in the proper form.

15. The image below is a true and accurate representation of the address the package was sent to:

To Donna Beasley Gibson, Domestic

Name

Full Name: Donna Beasley Gibson

Company:

Address ? Not Checked Validate

Street: 1204 Cleveland Ave

City: Mount Veron

State \ Prov: Washington

Postal Code: 98273

Country: United States

Contact Information

17. This address is an exact match for the address provided to this Court in Donna Gibson's Notice of Appearance (docket entry #5).

18. The attached Exhibit B is an exact copy of the Admissions sent to Donna Gibson on July 23, 2021, with the exception that the Admissions sent were signed by Plaintiff, and the Exhibit B identifier was added.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing statements are true and correct to the best of my knowledge.

 8/30/2021

Signed by Nathen Barton

Date

Signed in Camas Washington
Clark County